

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD  
ON WEDNESDAY, APRIL 14, 2021 AT 5:30 P.M. VIA GOOGLE MEET.**

**MAYOR:** Louie A. Trujillo

**COUNCILORS:** David G. Romero  
Elaine Rodriguez  
Michael L. Montoya  
David A. Ulibarri, Jr. ***Absent***

**ALSO PRESENT:** William Taylor, City Manager  
Casandra Fresquez, City Clerk  
Scott Aaron, City Attorney  
Adrian Crespín, Chief of Police

**CALL TO ORDER**

Mayor Trujillo called the meeting to order at 5:30 pm.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Mayor Trujillo recognized all the hardworking people fighting the pandemic in the community, all the first responders helping people get their vaccines, Leo Maestas from the Office of Emergency Management helping prepare shot clinics, and all the hospital staff. Mayor Trujillo asked for a moment of silence for all the hardworking people.

## **APPROVAL OF AGENDA**

Councilor Romero made a motion to approve the agenda as presented. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael L. Montoya	Yes
David G. Romero	Yes		

City Clerk Fresquez advised the motion carried.

## **PUBLIC INPUT**

City Clerk Fresquez read public input from Lorenzo Flores against the removal of Design Review Board members.

## **MAYOR'S APPOINTMENTS/REPORTS AND RECOGNITIONS/PROCLAMATIONS**

Councilor Romero voiced concerns regarding not having specific procedures for committees.

City Clerk read the list of names regarding the appointments for the Business Advisory Committee.

Discussion and questions took place regarding how the individuals were selected, if it was a requirement to own a business to be on the committee, if they lived within the four wards and if they were subject to OMA.

Councilor Montoya made a motion to approve the appointments of the Business Advisory Committee and recommended Ms. Abreu explain the process, the charter and how to abide by the bylaws. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Michael L. Montoya	Yes
Elaine Rodriquez	Yes		

City Clerk Fresquez advised the motion carried.

Mayor Trujillo advised the ordinance pertaining to the Design Review Board was not being followed and members were not conducting themselves as a committee. Mayor Trujillo recommended the removal of the Design Review Board members and Council would have the opportunity to appoint a new Design Review Board.

Discussion and questions took place regarding if all members were non compliant with the charter and the bylaws they created, if the members were invited to the meeting to speak on the issue and if they could be invited.

Councilor Romero advised the qualifications in the ordinance were met by the members.

City Attorney Scott Aaron advised he was unsure about their qualifications but if the board was meeting the requirements they were tasked with, they wouldn't have let an application slip through without approving, disapproving or approving with conditions.

Discussion and questions took place regarding Chapter 18-5 for removal which stated needing an affirmative vote of four members upon malfeasance, malfeasance in office or any reason whatsoever upon the affirmative vote of all members and with one Councilor being absent action could not take place on the removal of Design Review Board members.

Councilor Romero made a motion to table the approval to remove Design Review Board members until the May 12th Council meeting. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	No	David G. Romero	Yes
Elaine Rodriquez	Yes		

City Clerk Fresquez advised the motion carried.

District Attorney Thomas Clayton and Victim Rights Advocate Ashely Archuleta with the District Attorney's office spoke about the background and mission for recognizing National Crime Victims' Week.



City Clerk Fresquez read a proclamation for National Crime Victims' Week.

Mayor Trujillo recognized Fire Department Staff.

### **COUNCILOR'S REPORTS**

Councilor Rodriguez advised she had a link if anyone was interested in a presentation with the Attorney General's Office.

Councilor Montoya spoke about his trip to Ruidoso, NM along with City Manager Taylor, Utilities Director Gilvarry and Community Development Director Hendrickson. Councilor Montoya advised they had their first Airport Committee meeting and would continue to have them quarterly. Councilor Montoya thanked the Streets department for the striping around town and pothole patching.

Councilor Romero acknowledged Utilities Director Gilvarry, Public Works Manager Daniel Gurule and his staff for preparing crosswalks when school started. Councilor Romero recommended all committees who do not have to follow OMA should still be posted on the website for the public. Councilor Romero voiced concerns regarding pay increases and pay plans not taken to council for approval. Councilor Romero requested MOUs and pay plans be taken to council for approval and also new positions created within the City that are not in the Organizational Chart be taken for approval.

Mayor Trujillo advised they would continue to advertise all meetings for boards and commissions and also see about the pay plan being brought to one of the next City Council meetings.

### **POLICE CHIEF'S REPORT**

Police Chief Adrian Crespin advised it was National Public Safety Tele-communication week and thanked all the dispatchers for their hard work, dedication and commitment to serving the people of Las Vegas, Police personnel, Fire personnel and Ambulance Service personnel. Police Chief Crespin gave a presentation regarding the statistics for the Month of March for calls of service and traffic citations issued. Police Chief Crespin advised they were 90% complete with their mobile data terminals for police vehicles. Police Chief Crespin advised



they hired one non-certified Police Officer, and invited Mayor and Council to a training for their MILO system.

Discussion took place regarding the Flock Safety cameras, if vehicles funded from the legislative session were ordered, if there were vehicles to donate or auction off, a follow up on a battery stolen from a vehicle at West Las Vegas, the possibility of placing a camera by San Jose cemetery and concerns regarding weapons issued to retired Police personnel.

## **PRESENTATIONS**

Erik Harrigan with RBC Capital reporting gave a presentation regarding the City's bonding capacity for future loans.

Discussion took place regarding taking bonding questions to be voted on during the 2022 election, different needs in the community, refinancing phase II at the Abe Montoya Recreation Center and Utilities bonding capacity.

Dr. Eric Romero with NMHU gave a presentation regarding the Cultural Park collaboration.

Community Development Director Bill Hendrickson and Susie Tsyitee gave a presentation regarding Community Development working with the Las Vegas Arts Council to submit a grant through the National Endowment for the Arts.

Discussion took place regarding creating art spaces throughout the community to celebrate Las Vegas both culturally and artistically, where the matching funds would come from, who would administer the grant and the need for artists to help Friends of the Gallinas with benches.

Councilor Rodriguez advised she was in support of the project and sees a lot of opportunities for the community.

Film and Events Coordinator Chuck Griego gave a presentation regarding an update on the Fourth of July Fiestas and other sponsored City events.

Discussion took place regarding planning Friday nights Al Fresco starting in May through October and would include a food vendor who would rotate weekly along with local artists and the possibility of paying artists \$100 for being there.

Councilor Romero advised he supported funding the Friday nights Al Fresco and the possibility of having 25% of capacity but the Plaza Park isn't specified as a venue.

Discussion and suggestions took place regarding the Fiesta budget, using Lodger's Tax monies to support Friday nights Al Fresco, the Fourth of July firework display venue, the Fourth of July parade route, having more entertainment the weekend of the Fourth of July as well as more food vendors.

### **CONSENT ITEMS**

City Clerk Fresquez read the Consent Agenda (1-5) into the record as follows:

1. Request to Publish Ordinance No. 21-05 authorizing a loan agreement with NMFA for the water line replacement project on Mills Avenue and Hot Springs Blvd.
2. Request to Publish Ordinance No. 21-06 authorizing a loan agreement with NMFA for the water treatment plant SCADA system project.
3. Request to Publish Ordinance No. 21-07 authorizing a loan agreement with NMFA for the water treatment plant clarifier sedimentation basin vacuum system project.
4. Request to Publish Ordinance No. 21-08 authorizing a loan agreement with NMFA for the Hanna Park effluent line extension project.
5. Request to Publish Ordinance No. 21-09 authorizing a loan agreement with NMFA for the water treatment plant pump replacement project.

Councilor Monotya advised all the projects listed are going towards the City water and the effluent water system that waters soccer fields and parks for the kids.

Councilor Romero asked if they were adding to the term of debt towards existing loans or if they were new loans.

Utilities Director advised they were new loans with 75% subsidy and would pay 25% of the actual cost for the projects.

Councilor Montoya made a motion to approve the Consent Agenda as read into the record. Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael L. Montoya	Yes
David G. Romero	Yes		

City Clerk Fresquez advised the motion carried.

### **BUSINESS ITEMS**

1. Conduct a Public Hearing and Adopt Ordinance No. 21-04, An Ordinance to amend the Code of the City of Las Vegas by amending Section 200-40 and Section 301-11, entitled "Alternative method of abatement". This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City's home rule powers. Publication requirements have been met.

Councilor Romero made a motion to enter into Public Hearing to discuss business item 1. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Elaine Rodriquez	Yes		

City Clerk Fresquez advised the motion carried.

City Attorney Aaron asked City Clerk Fresquez and Community Development Director Bill Hendrickson to raise their right hand and be sworn in.

City Clerk Fresquez read the public comment into the record from Lee Einer as follows:

"Honorable Mayor and Council-

The proposed amendment to Section 200-40 and Section 301-11 of city code does away with an important right of city residents and property owners, and absolutely does not accomplish what you were told it did at the March 17 council meeting.



The old language being deleted from these two sections of city code is as follows-

A.

Except as herein provided, an action for the abatement of a public nuisance shall be governed by the general rules of civil procedure.

B.

A civil action to abate a public nuisance may be brought, by verified complaint in the name of the City without cost, by any public officer or private citizen, in the Municipal Court against any person who shall create, perform or maintain a public nuisance.

C.

When judgment is declared against the defendant in an action to abate a public nuisance, he shall be adjudged to pay all court costs and reasonable fees for the complainant's attorney, when the suit is not prosecuted exclusively by the City Attorney.

D.

The City may alternatively file a criminal complaint for public nuisance in the appropriate court pursuant to NMSA 1978, § 30-8-1, as amended.

This actually is accurately titled "An alternative method of abatement." It is an alternative available to private persons, who may enter a complaint in Municipal Court in the name of the City against any person maintaining a public nuisance.

This is an important right, as anyone who has had to live, for years, next to an abandoned property that threatens human health and safety can tell you. This is the right you would be doing away with by enacting this amendment. It's bad legislation, it's disempowering to the people of this community, and I urge you to vote against it.

Additionally, sections A and D of the language being deleted make it clear that the existing ordinance does not in any way impede the City of Las Vegas from filing an action for abatement in any court which has jurisdiction. "Except as herein provided, an action for the abatement of a public nuisance shall be governed by the general rules of civil procedure. The City may alternatively file a criminal complaint for public nuisance in the appropriate court pursuant to NMSA 1978, § 30-8-1, as amended." So the city's rights to file in state court are preserved. Let me add that the language being deleted from City Code in this amendment is not radical or revolutionary. To the contrary, paragraphs A, B and C mirror NMSA § 30-8-8, which affords private persons the right to file a similar abatement complaint in the state's name in District Court.

Had this amendment been submitted to the governing body in the standard format, with a statement of purpose, with the language being deleted indicated in strikeout and the new language indicated with underlining, what I am telling you would be obvious at first glance. This points to a second problem.

Section 2.08 D of the City Charter States that "The Governing Body shall adopt by ordinance the procedures for introduction and adoption of ordinances." But the governing body has thus far not done so. Such an ordinance is really needed in order for a legislative body to function well. I urge you, both for compliance with the City Charter and for the optimal functioning of the City Council, to develop and adopt an ordinance clearly defining procedures, including format, for introduction and option of ordinances. It is key to the success of every action you take in the future.

Mayor Trujillo asked Community Development Director Hendrickson to explain the intentions of the change.

Community Development Director Hendrickson advised the language was restricted to Municipal Court and the change would open it up to any court.

City Clerk Fresquez asked City Attorney Aaron to raise his right hand and be sworn in.

Discussion took place regarding issues with any resident being able to file a petition at Municipal Court in the name of the City and the appropriate venue to file a case would be at District Court.

Councilor Rodriguez advised she liked the idea of seeing what would be crossed out or changed when taking an ordinance to council for approval, why the ordinance was being taken if such cases rarely happen and what section in the ordinance stated that.

City Attorney Aaron advised it was section 200-40(B).

Discussion took place regarding how Councilor Romero interpreted section 200-40(B), the state statute resembling the same ordinance but instead would be filed in District Court and if it only pertained to historic preservation projects.

Councilor Montoya made a motion to exit Public Hearing and return to regular session. Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Elaine Rodriguez	Yes
David G. Romero	Yes		

City Clerk Fresquez advised the motion carried.

Councilor Montoya made a motion and asked for City Clerk Fresquez to read it into the record as an abatement. There was no second, therefore the motion died.

Councilor Romero made a motion to table the adoption of Ordinance 21-04 until the May 19th council meeting. Councilor Rodriguez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	Michael L. Montoya	No
David G. Romero	Yes		

City Clerk Fresquez advised the motion carried.

2. Request approval of Lodger's Tax Board recommendation for the leasing of two billboards on I-40 for 1 year.

Las Vegas First John Goodwin gave a brief presentation regarding the two billboards by Santa Rosa and new information on traffic counts and the size of the billboards.

Councilor Montoya advised the last time the item was presented he voted no but this presentation had more information and he supported the item.

Councilor Romero asked about the contract needing council's approval.

Councilor Montoya asked if the City was administering the project, if the design could be done in-house and if there had been advertisements on the billboards in the last 3 months.

Councilor Rodriguez advised wanting to see the impacts the billboards have on people visiting Las Vegas.

Discussion took place regarding the RFP for Friday nights Al Fresco event, specifics on what the billboards will have in the contract, accountability for every dollar used and the contract going to council for approval.

Councilor Romero made a motion to approve the leasing of two billboards on I-40 with the condition that the contract is taken to council for approval. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David G. Romero	Yes
Michael L. Montoya	Yes		



City Clerk Fresquez advised the motion carried.

3. Request approval to publish Ordinance 21-10 an ordinance to amend the Code of the City of Las Vegas by amending the court fees collected by the Municipal Court in Section 20-13(A).

City Attorney Aaron advised in the previous ordinance the fees weren't specified and ordinance 21-10 would specify the fees.

Councilor Romero made a motion to approve the publication of ordinance 21-10. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Elaine Rodriquez	Yes
Michael L. Montoya	Yes		

City Clerk Fresquez advised the motion carried.

4. Request to award request for proposals #2021-15 for the Public Works concrete flatwork to JJ & Son Excavation.

Utilities Director Gilvarry advised there were three proposers and JJ & Sons Excavation was ranked highest.

Councilor Romero made a motion to approve request for proposals #2021-15 for the Public Works concrete flatwork to JJ & Son Excavation. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David G. Romero	Yes
Michael L. Montoya	Yes		

City Clerk Fresquez advised the motion carried.

5. Request approval of Resolution No. 21-13 Acceptance and Approval of the FY 2020 Audit.

Councilor Romero advised he was disappointed because he previously asked twice for Mayor and Council to sign a disclosure form and that never happened.

Councilor Rodriquez voiced concerns regarding receiving a copy of the audit the morning of the meeting and did not have enough time to review it.

Councilor Rodriquez made a motion to table the approval of Resolution 21-13 until the May 12th council meeting Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Elaine Rodriquez	Yes		

City Clerk Fresquez advised the motion carried.

### **EXECUTIVE SESSION**

Councilor Romero made a motion to convene into executive session for the purpose of discussing personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978 regarding negotiations with City employees and also for matters subject to the attorney client privilege pertaining to threatened or pending litigations in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978 regarding a civil case filed against the City by a City employee. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Elaine Rodriquez	Yes
David G. Romero	Yes		

City Clerk Fresquez advised the motion carried.

Councilor Romero made a motion to exit executive session and reconvene into regular session after being in executive session for the purpose of discussing personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978 and also for matters subject to the attorney client privilege pertaining to threatened or pending litigations in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978 and only those matters specified were discussed and no action was taken. Councilor Rodriquez seconded the

motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David G. Romero	Yes
Elaine Rodriquez	Yes		

City Clerk Fresquez advised the motion carried.

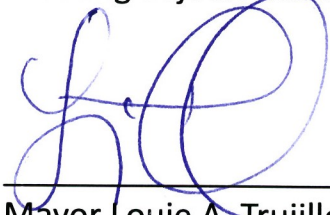
### **ADJOURN**

Councilor Romero made a motion to adjourn. Councilor Rodriquez seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Elaine Rodriquez	Yes	David G. Romero	Yes
Michael L. Montoya	Yes		

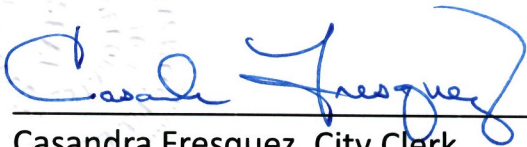
City Clerk Fresquez advised the motion carried.

Meeting adjourned at 10:11 pm.



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Mayor Louie A. Trujillo

ATTEST:



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Casandra Fresquez, City Clerk